

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 375 OF 2006
IN
APPEAL NO. 62 OF 2006
IN
COMPANY PETITION NO. 460 OF 2005
IN
COMPANY PETITION NO. 338 OF 2004

Sharp Industries Limited ... Appellant

Versus

Videocon International & Ors. Respondents

Mr. Jay Chinoy, Sr. Counsel with Mr. Jaideep Mitra, Mr. Swapnil Bangar and Ms. Meher H. Kapadia i/by Deven Dwarkadas & Partners for Appellant.

Mr. R.D. Soni with Ms. Swati Deshpande i/by Ram & Co. for R. No. 1.

Mr. K.K. Shroff i/by A. Bharat & Co. for R. No. 3.

**CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATED : APRIL 13, 2006**

P.C.

. According to learned counsel, the appeal is not filed against the order passed by the learned Company Court but against some observations made in the body of the order. The appeal has been admitted.

. By the present motion, what the learned counsel contends is that those observations be stayed. We find ourselves unable to agree with the submissions made on behalf of the appellant by the learned counsel. What is enforceable and executable is the order. The observation is merely a discussion. Ultimately what the court must find out is the ratio of the judgment. Some observations by themselves will not constitute the ratio of the judgment.

. If it is the contention of the appellant herein that pursuant to the scheme of compromise, various criminal proceedings pending before the concerned court cannot be proceeded with. It will be for the aggrieved parties, if they are accused in those proceedings to file appropriate applications and it will be for that competent court to decide the application on merits.

. With the above observations, present motion stands disposed of.

(F.I. REBELLO, J.)

(ANOO P V. MOHTA, J.)